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Nicaragua’s Eight-Month-Old Femicide Law Slow To Deliver Results

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A gruesome murder case in Nicaragua’s Matagalpa department has brought new attention to what—despite the implementation last year of a much-heralded femicide law—remains a serious problem for the Central America nation: violence against women and girls.

Earlier this month, guards on a coffee plantation in Santa María de Ostuma, Matagalpa, came across a shallow makeshift grave containing the corpse of a teenage girl. The body was later identified as Saida Janeth Guzmán Matus, 17. Authorities determined that Guzmán, who had been missing since Jan. 26, was beaten, raped, gagged, and then buried alive. Police arrested the victim’s husband, Omar Antonio Aráuz Martínez, who confessed to the crime, saying he had become enraged after spotting his wife in a car with another man. Within days of Aráuz Martínez’s arrest, a judge convicted the confessed killer and sentenced him to 34 years in prison. The young man will serve 30 of those years, the maximum allowed under Nicaraguan law.

While the Guzmán murder may stand out as a particularly cruel example of gender-based violence, it is not, unfortunately, an isolated case in Nicaragua, where every year dozens of women die at the hands of their spouses or lovers. Last year, 85 femicides (murders of women at the hands of men) occurred in Nicaragua, nine more than in 2011, according to the Red de Mujeres contra la Violencia (RMCV), a nongovernmental women’s rights group.

The group’s findings vary somewhat from official government figures, which put the 2012 femicide tally at 76. Regardless of which estimate is more accurate, both are a disappointment for the many Nicaraguans who had hoped that Ley 779, the femicide law implemented last June, would finally offer women some much-needed protection (NotiCen, July 26, 2012).

Slow to apply the law

Officially known as the Ley Integral contra la Violencia hacia las Mujeres, the reform established sentencing guidelines for a whole spectrum of crimes against women including physical and psychological abuse, rape, and femicide, which it distinguished for the first time from regular homicide. Ley 779 defines femicide as "the most extreme form of gender violence, understood as violence exercised by men against women, in their desire to obtain power, domination, or control." Furthermore, the law recognizes all forms of violence against women as a public health and public safety issue.

"The objective of the Ley Integral establishes that it is the state’s duty to protect the human rights of women and act against gender violence, whose causes stem from the prevalence of unequal relations of power between men and women," Maria Teresa Blandón, an outspoken Nicaraguan feminist, wrote in an essay published last year by the Nicaragua Dispatch. "It provides the right to live free of discrimination, the right to live a life without violence, the right to effective access to justice, the right to protection from the state, and the right to redress victims of violence. This last aspect, which was not included in previous legislation, represents an achievement for women."
As last year’s femicide numbers suggest, however, promising better protection from violence is one thing. Actually providing it is another matter altogether. Thirteen of the 85 women murdered in Nicaragua last year had already registered complaints with the police about their would-be killers, the RMCV pointed out. And of those 85 cases, the courts had, by year’s end, handed down just four convictions. Five of the alleged perpetrators killed themselves, while 29 are on the lam.

Part of the problem, the RMCV says, is money. The group welcomed the passage and implementation of Ley 779 but warned from the beginning that the state was failing to provide enough funds to properly implement it. As a result, there is an overall shortage, the group claims, of Comisarías de la Mujer, specific women-focused police stations that are supposed to offer female victims a less threatening space in which to file criminal complaints.

The RMCV says there is a shortage as well of properly trained judges, public prosecutors, and defenders. There are not enough people in the legal system, who know how the femicide law really works. "Ley 779 is a step forward. It’s a specific and autonomous law that spells out new crimes and is overseen by an interinstitutional committee that looks to make sure it is effectively applied. Still, we have to point out the difficulties that have arisen in applying this law," the RMCV’s head coordinator, Luz Marina Torres, told reporters in January.

Widespread sex abuse

For the femicide law to really be effective, women’s rights groups argue, the government must also couple it with better preventative methods. Above all, the state needs to address the country’s underlying culture of chauvinism, they say. "The state doesn’t have a prevention strategy," said Torres. "It’s really limited. There’s no well-funded public strategy such as an immense awareness campaign."

In its most extreme form, that chauvinism can—as in the case of Saida Janeth Guzmán Matus—result in murder. More commonly it involves physical and psychological abuse, often of a sexual nature. "Rape and sexual abuse were widespread" in Nicaragua, the human rights group Amnesty International (AI) wrote in its 2012 Annual Report. Other observers have gone so far as to describe the high incidence of sexual abuse as an "epidemic," one that often affects adolescent girls. In an earlier study, AI noted that, in more than two-thirds of the more than 14,000 rape cases reported between 1998 and 2008, the victims were girls under the age of 17 (NotiCen, Jan. 13, 2011).

"These statistics are even more alarming if we take into account that in Nicaragua, as in other countries, rape and sexual abuse are underreported crimes, especially when they’re committed against girls and the aggressors are the victims’ own family members," AI reported.

In many cases rape victims end up pregnant and, because of Nicaragua’s no-exceptions ban on abortion, have no choice but to give birth and bring new children into what are already predatory home environments. As of late 2006, even therapeutic abortions—cases where pregnancy is deemed a health risk for the mother—are prohibited in Nicaragua (NotiCen, Nov. 2, 2006).

AI and other rights groups, including Human Rights Watch (HRW) and the UN Office of the High Commissioner for Human Rights (OHCHR), have urged Nicaragua to relax its abortion laws (NotiCen, Feb. 25, 2010). President Daniel Ortega, a former Marxist revolutionary who now identifies himself as a devout Catholic, staunchly defends the blanket ban.
Babies having babies

In the lead-up to Nicaragua’s last presidential election, in late 2011, media attention surrounding the pregnancy of a 12-year-old indigenous girl pushed the issue once again to the forefront. Women’s right’s groups pointed to the pre-teen rape victim—who in October of that year delivered a baby boy via cesarean section—as a clear example of why Nicaragua’s abortion laws needed to be loosened.

The Ortega administration took a different view of the case. First lady Rosario Murillo, who doubles as the government’s principal spokesperson and de facto Cabinet chief, called the situation "tragic" yet celebrated the birth as "a miracle and a sign from God." Two weeks later, President Ortega—in open violation of the Nicaragua’s constitutionally enshrined term-limit laws—was re-elected by a landslide (NotiCen, Nov. 17, 2011).

The "miracle" baby of 2011 is hardly the only child born under such circumstances in Nicaragua. Government statistics released last year by the Ministerio de Salud (MINSA) revealed that in 2009, the last year data was available, nearly 1,600 girls between the ages of 10 and 14 gave birth, 48% more than in 2002. Roughly a quarter of Nicaraguan babies are born to mothers between the ages of 15 and 19.

RMCV and other civil society organizations accuse of the Ortega administration of sending mixed messages. By implementing Ley 779, the government has publicly committed itself to better protecting women from violence, in all forms. But, at the same time, argue critics, the administration—by sticking to an all-out abortion ban and by celebrating rape cases as resulting in "miracles"—is in effect reinforcing abuse patterns.

"It is paradoxical for the Ley Integral to ponder a pregnancy resulting from a rape as an aggravating factor, while the government insists on penalizing abortion under any circumstance, infringing with the right for women to have sexual and reproductive freedom as the right to be protected by the present Law," wrote Maria Teresa Blandón.

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